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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,406	12/16/2003	Michel G. Plancon	AO733B	7611

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EXAMINER	
KAYES, SEAN PHILLIP	

ART UNIT	PAPER NUMBER
2841	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/737,406	PLANCON ET AL.	
	Examiner	Art Unit	
	Sean Kayes	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,3 and 5-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1 and 4* is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2-3, and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Muto (US 5335211.)

3. With respect to claim 2 Muto discloses a calibration assembly for use in an electronic timepiece, wherein the calibration assembly is for initializing the position of a display hand that conveys information displayable on the timepiece, the calibration assembly comprising: ~~a controller (circuit block item 22, column 6 line 20) for providing signals~~; a stepper motor (253, figure 2) ~~operatively coupled to the controller and responsive to the signals~~, for rotating the at least one display hand (13 figure 1) in at least one of a clockwise and counterclockwise direction in predefined increments; one or more gears (253e and 262 figure 2) for operatively coupling the rotor of the stepper motor to the display hand, wherein a channel (201a figure 2) is formed within at least one of the one or more gears; and wherein a tab (253g) is provided and positioned to be abuttable against an edge of the channel; ~~such that when the controller causes the rotor to rotate in a predetermined direction to cause the tab to abut against the edge of the channel, the position of the display hand is in an initialized position~~ means, operatively coupled to the stepper motor, to rotate in a first direction a number of steps that is at

least the total of (i) the maximum number of steps needed to rotate the display hand from an initial position on the display to a position such that the display hand would indicate the maximum value on the display and (ii) the number of steps needed to rotate the display hand from the initial position on the display to the position such that the channel abuts against the tab and thereafter, for causing the rotor of the stepper motor to rotate in a direction opposite the first direction the same number of steps needed from when the display hand would be at the initial position on the display to the position such that the channel abuts against the tab. (The means is the controller, circuit block item 22, and column 6, line 20. The described forward backward movement of the stepper motor is consistent with the general operation of the device in particular as it applies to the stepping more associated with item 13 figure 1. The stepping motor is made to step a number of steps forward until it reaches its maximum value or is stopped by the user and than when reset it is stepped backward the same number of steps to its starting value.)

4. With respect to claim 3 Muto discloses a calibration assembly for use in an electronic timepiece, wherein the calibration assembly is for initializing the position of a display hand that conveys information displayable on the timepiece, the calibration assembly comprising: ~~a controller (circuit block item 22. column 6 line 20) for providing signals~~; a stepper motor (253, figure 2) ~~operatively coupled to the controller and responsive to the signals~~, for rotating the at least one display hand (12 figure 1) in at least one of a clockwise and counterclockwise direction in predefined increments

(column 6 lines 18-44); one or more gears (253e and 262 figure 2) for operatively coupling the rotor of the stepper motor to the display hand, wherein at least one of the one or more gears includes a tab (511c, figure 5a) extending therefrom; and wherein a stopper (52 figure 5a) is provided and positioned to be abuttable against the tab; ~~such that when the controller causes the rotor to rotate in a predetermined direction to cause the tab to abut against the stopper, the position of the display hand is in an initialized position~~ means, operatively coupled to the stepper motor, for causing the rotor of the stepper motor to rotate in a first direction a number of steps that is at least the total of (i) the maximum number of steps needed to rotate the display hand from an initial position on the display to a position such that the display hand would indicate the maximum value on the display and (ii) the number of steps needed to rotate the display hand from the initial position on the display to the position such that the tab abuts against the stopper and thereafter, for causing the rotor of the stepper motor to rotate in a direction opposite the first direction the same number of steps needed from when the display hand would be at the initial position on the display to the position such that the tab abuts against the stopper. (The means is the controller, circuit block item 22, and column 6, line 20. The described forward backward movement of the stepper motor is consistent with the general operation of the device in particular as it applies to the stepping more associated with item 13 figure 1. The stepping motor is made to step a number of steps forward until it reaches its maximum value or is stopped by the user and than when reset it is stepped backward the same number of steps to its starting value.)

5. With respect to claim 5 Muto discloses the calibration assembly as claimed in claim 2, wherein the tab (253g figure 2) is an integral part of the housing of the timepiece.

6. With respect to claim 6 Muto discloses the calibration assembly as claimed in claim 2, wherein the ~~controller~~ means, after the display hand has been placed in the initialized position, provides signals for rotating the rotor of the stepping motor in a direction opposite the ~~predetermined~~ first direction a predetermined number of steps so as to position the display hand to indicate an initial value (column 6 lines 18-44.)

7. With respect to claim 7, Muto discloses the calibration assembly as claimed in claim 6, wherein the predetermined number of steps is the number of steps needed from the position such that the display hand is indicating the initial value to the position such that the channel would abut against the tab. (Initial value is the left most point of the indicating hand, P1, column 6 lines 35-40.)

8. With respect to claim 8 Muto discloses the calibration assembly as claimed in claim 3, wherein the stopper is coupled to the housing of the timepiece (52 figure 5a.)

9. With respect to claim 9 Muto discloses the calibration assembly as claimed in claim 3, wherein the ~~controller~~ means, after the display hand has been placed in an initialized position, provides signals for rotating the rotor of the stepping motor in a

direction opposite the ~~predetermined~~ first direction a predetermined number of steps so as to position the display hand to indicate an initial value (column 6 lines 18-44.)

With respect to claim 10 Muto discloses the calibration assembly as claimed in claim 9, wherein the predetermined number of steps is the number of steps needed from the position such that the display hand is indicating the initial value to the position such that the tab would abut against the stopper. (Initial value is the left most point of the indicating hand, P1, column 6 lines 35-40.)

Allowable Subject Matter

10. Claims 1 and 4 allowed.

Response to Arguments

11. Applicant's arguments filed 7/18/2006 have been fully considered but they are not persuasive.

12. Applicant asserts that independent claims 2 and 3 are now allowable because they have been amended to include the limitations of claims 1 and 4. Examiner does not agree that the independent claims 2 and 3 (as amended) have the claim limitations of claims 1 and 4. Claims 1 and 4 are methods of calibration while claims 2 and 3 are derived toward a device capable of performing said calibration. The examiner was unable to find evidence of a method of calibration that involved "rotating the rotor of the motor in a direction opposite the first direction the same number of steps needed from

the initial position on the display to the position such that the channel would abut against the tab" (as was indicated in the previous office action.) However, structures/devices that perform these limitations are known as is indicated in the above rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK
8/3/2006

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